IN THE

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 72-3367
Summary Calendar*

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

versus

STUART LEVINE, LOUIS HARRY CHIPPAS
and ROBERT D'ORSAY,
Defendants-Appellants.

Appeals from the United States District Court for the
Southern District of Florida

(April 27, 1973)

Before THORNBERRY, GOLDBERG and RONEY,
Circuit Judges.

PER CURIAM: AFFIRMED.[1] See Local Rule 21.[2]

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*Rule 18, 5th Cir.; see Isbell Enterprises, Inc. v. Citizens Casualty Company of New York, et al, 5th Cir. 1970, 431 F.2d 409, Part I.

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[1]All three appellants contend that (1) the evidence was insufficient to support their convictions for conspiring to import, possess, and distribute marijuana, (2) two bags of marijuana were admitted against them without proof that appellants possessed the bags and without proof of chain of custody, (3) Cuban immigrants and young adults were systematically excluded from their grand and petit juries, and (4) their convictions resulted from improper "creative activity" by Government agents. Appellants Levine and D'Orsay, attacking their convictions for carrying a firearm during commission of a felony, 15 U.S.C. § 924(c)(2), contend that the Government failed to prove that the firearm was actually used in the commission of the felony. Appellant D'Orsay, who was convicted below of possession of a firearm by a convicted felon in violation of 18 U.S.C. App. § 1202, argues that there was insufficient proof that the gun had moved in interstate commerce.

[2]See NLRB v. Amalgamated Clothing Workers of America, 5th Cir. 1970, 430 F.2d 966.